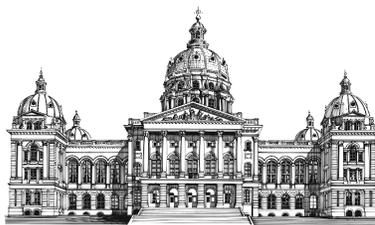


# Iowa Legislative Fiscal Bureau



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January 9, 1998

## Death Penalty - Procedures in Other States

### ISSUE

This *Issue Review* is an examination of the death penalty in other states.

### AFFECTED AGENCIES

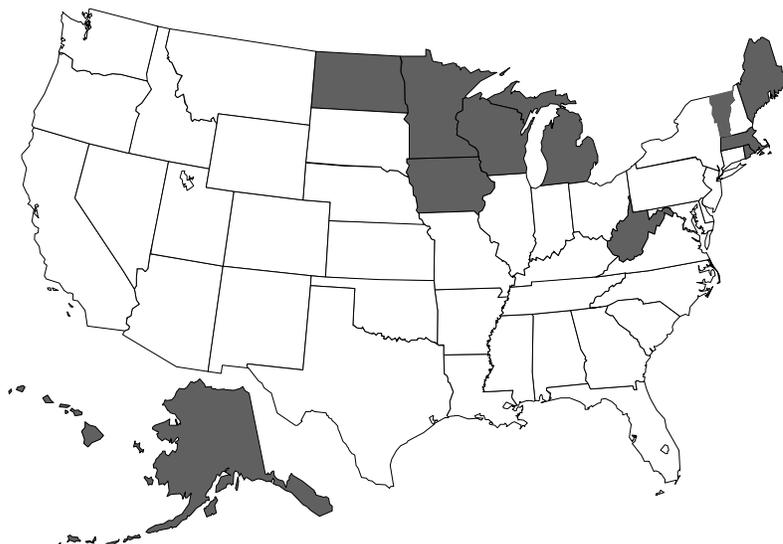
Judicial Branch  
Office of the Attorney General  
Department of Corrections

### CODE AUTHORITY

Proposed legislation

### BACKGROUND

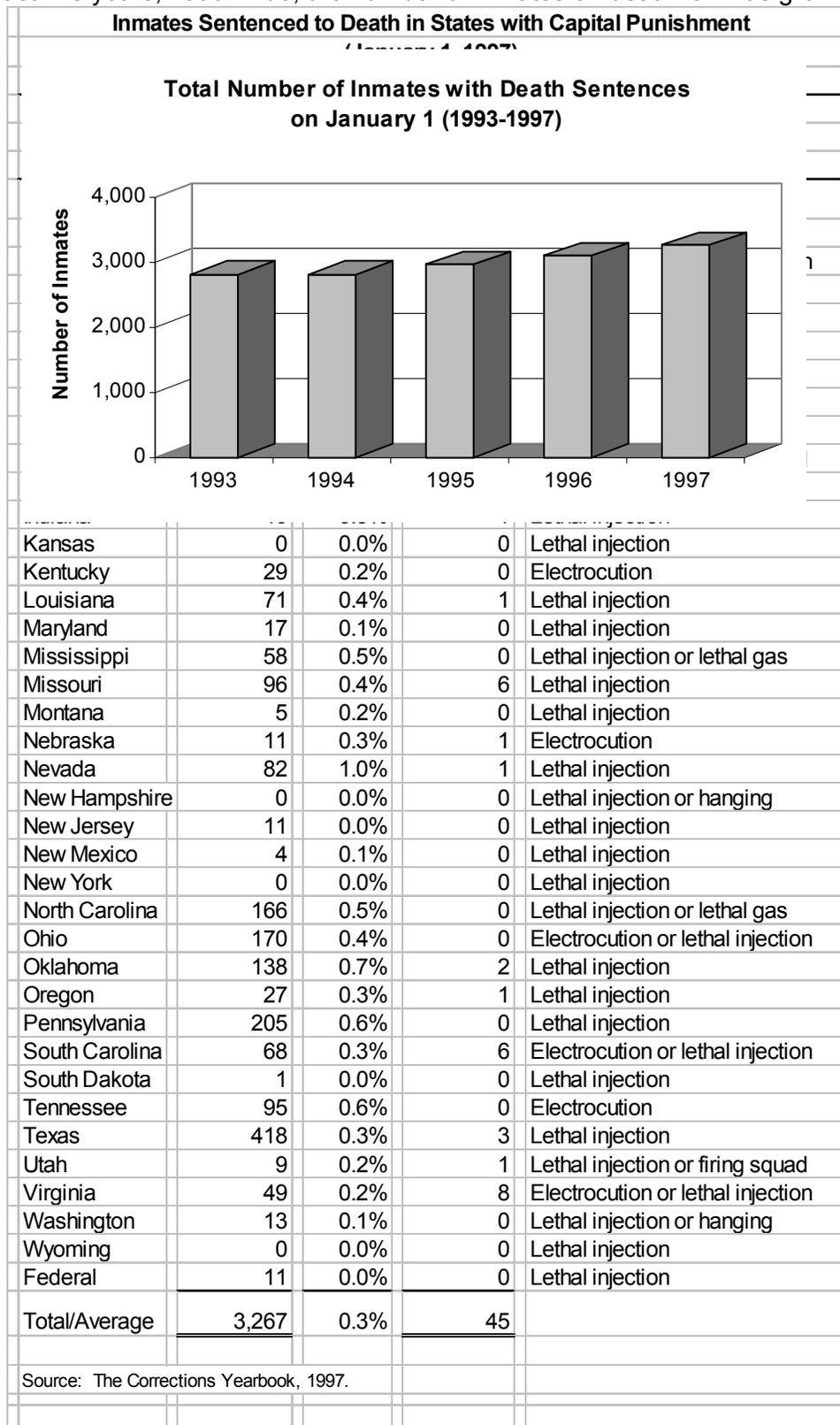
Iowa is one of twelve states that does not have the death penalty. The following map shows the distribution of those states.



Source: The Corrections Yearbook, 1997.

The other 38 states and the federal government do have the death penalty option. The following table identifies the states with the death penalty, the number of inmates under sentence of death, the number of executions in 1996, and the methods of execution.

Over the past five years, nationwide, the number of inmates on death row has grown from 2,811 to

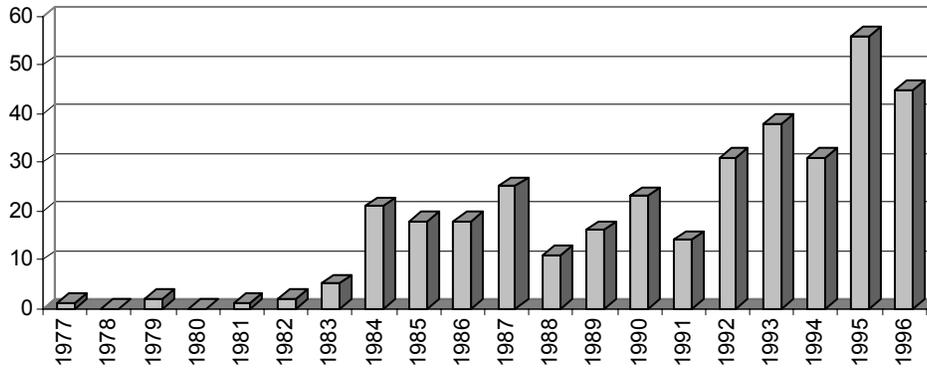


3,267, a 16.2% increase. The following chart displays the trend.

Source: The Corrections Yearbook, 1997.

The number of persons executed has increased since the mid-1980's. The following chart reflects the number of executions in the U.S. since the death penalty was reinstated by the U.S. Supreme Court in 1976.

**Number of Executions Since 1976**



Source: The Corrections Yearbook, 1997.

According to the Bureau of Justice Statistics, the average time spent awaiting execution has been more than eight years since the death penalty was reinstated in 1976. The average waiting period has increased over this period, with the 1995 average being 11 years and 2 months.

Between 1977 and 1995, 5,237 offenders were under death sentences for varying lengths of time. Of these, 1,870 prisoners (35.7%) received a different disposition, including resentencing, retrial, commutation, or death while awaiting execution. (Bureau of Justice Statistics)

The demographic characteristics of persons on death row in 1995 were:

- 98% of the inmates sentenced to death are men.
- 57% are white; 42% are black; and the remaining 1.6% are other or unknown races.
- 15% had not gone beyond the eighth grade; 37% had attended high school; 38% had completed high school; and 10% had attended college.
- Half reported they were never married; a fourth were married; and a fourth were divorced, widowed, or separated.
- The average age at arrest for the capital offense was 28 years. A little more than one tenth were age 19 or less, over half were between 20 and 29 years; about a third were between 30 and 54 years; and less than 1% was 55 years of age or older.

**BUDGET IMPACT**

The fiscal note prepared for SF 365, Capital Murder Bill, compared cost estimates for a death penalty case with a Class A felony case in which the offender would receive life in prison without parole. The total cost for the capital case from arrest through execution was estimated to be \$2.4

million. The total cost for the Class A felony from arrest through natural death of the inmate in prison was estimated to be \$1.5 million. The net effect is that the death penalty case would cost an estimated \$900,000 more than a case resulting in life in prison. The prosecution and defense costs for the trial and appeals are significantly greater for a capital case than for a Class A felony case and exceed the savings from the shortened term of incarceration for the executed offender.

**REFERENCES**

Bureau of Justice Statistics, U.S. Department of Justice. (1996) Capital Punishment 1995  
<http://www.ojp.usdoj.gov/pub/bjs/ascii/cp95.txt>.

Camp, Camille Graham and George M. Camp (1997). The Corrections Yearbook 1997. South Salem, New York: Criminal Justice Institute, Inc.

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